HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.R. No.3747 of 2006

Date of decision : 8.12.2006.

Navrattan Rice Processors and anr. .....Petitioners

versus

Punjab Agro Industries Corpn. Ltd. & anr. .....Respondents

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present : Mr.Satish Goel, Advocate for the petitioners.

Mr.Sanjeev Sharma, Advocate for the respondents.

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ORDER

HEMANT GUPTA, J. (Oral)

The challenge in the present revision petition is to the order dated 28.2.2006 passed by the learned District Judge, Sangrur, whereby an application for restoration of the application dismissed in default on 25.1.2003, was dismissed.

The dispute between the parties was subject matter of arbitration award dated 18.12.2001. The petitioner herein filed objections to the said award on 25.2.2002. But the said objections were dismissed in default on 24.8.2002. Then an application was filed on 29.8.2002 for restoration of said objections, but the said application was dismissed in default on 21.11.2002. On the very next day, an application was filed for restoration of the application filed on 29.8.2002. The said application was unfortunately again dismissed in default on 25.1.2003. Thereafter, the present application was filed on 14.2.2003 for restoration of the application dated 22.11.2002, which has been dismissed by the learned trial Court vide order dated 28.2.2006 impugned in this petition.

A perusal of the proceedings shows that an application for restoration of the objections was filed within 5 days of the dismissal of the objections, whereas, subsequently the application was filed for restoration of the application on the very next day. The present application has been filed within a period of limitation i.e. before three weeks. May be, the petitioner was not prosecuting the proceedings with due diligence, but it cannot be said that the petitioner was prosecuting the proceedings with malafide motive. The learned District Judge has dismissed the application holding that the applicant and his counsel did not attend the Court, though they knew the date fixed for hearing. I do not find that the reasoning given by the learned District Judge as plausible in view of the conduct of the proceedings where the application for restoration has been filed soon thereafter the orders were passed dismissing the application.

Consequently, the present petition is allowed. The orders passed by the learned trial Court are set-aside. The Objections filed on 25.2.2002 are ordered to be restored to their original number. The learned trial Court shall decide such objections expeditiously preferably within a period of 6 months from 19.1.2007, the date fixed for appearance of the parties before the learned District Judge.

Parties through their counsel are directed to appear before the learned District Judge on 19.1.2007.

(HEMANT GUPTA)
JUDGE

December 8, 2006
**mohinder*